

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

TYLER BROWN,

Plaintiff,

V.

**NIKOLAY MUZYKA, ALEKSEI DUL-
PHEIN, AMLOAD, LLC,**

Defendants.

CIVIL NO. W-23-CV-00474-ADA

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Derek T. Gilliland. ECF No. 79. The report recommends Defendants Nikolay Muzyka, Aleksei Dulepin, and Amload LLC's Motion for Partial Summary Judgment (ECF No. 35) be **GRANTED**. The report and recommendation was filed on June 26, 2025.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by* *Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)).

Plaintiff Tyler Brown filed objections on July 10, 2025, to which Defendants Muzyka and Amload, LLC filed a response in opposition. ECF Nos. 83, 88. The Court has conducted a *de novo* review of the Motion for Partial Summary Judgment, the subsequent briefing, the report

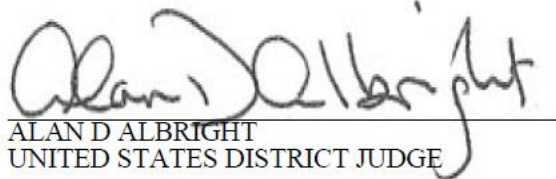
and recommendation, the objection to the report and recommendation and the response thereto, and the applicable laws. After that thorough review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Derek T. Gilliland (ECF No. 79) is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff Tyler Brown's objections are **OVERRULED**.

IT IS FURTHER ORDERED that, in accordance with the Report and Recommendation, Plaintiff's Motion for Partial Summary Judgment (ECF No. 35) is **GRANTED** as to Plaintiffs' (i) vicarious liability, gross negligence, and direct negligence claims against Defendant Dulepin, (ii) gross negligence and direct negligence claims against Defendant Amload, and (iii) negligence per se claim against Defendant Muzyka.

SIGNED this 25th day of July, 2025.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE